

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

IN RE: **SA- 16 SUMNER HILL**
Water System No. 2000729

TO: Steven Norman, Special Districts Manager/Director
Resource Management Agency - Engineering
2037 Cleveland Avenue
Madera, CA 93637

CC: Madera County Environmental Health Department

**COMPLIANCE ORDER FOR NONCOMPLIANCE
OF THE DISINFECTION BY-PRODUCT, FIVE HALOACETIC ACIDS,
MAXIMUM CONTAMINANT LEVELS**

Issued on August 29, 2013

Section 116655, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a compliance order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued hereunder.

FINDINGS

The SA-16 Sumner Hill Water System (hereinafter "SA-16") is a community water system that supplies water for domestic purposes to a population of approximately 100 persons

1 through 50 service connections. The Department established regulatory jurisdiction of SA-
2 16 beginning July 1, 2013. The SA-16's water system receives raw surface water from the
3 San Joaquin River. The raw water receives chemical pretreatment, clarification, filtration
4 and disinfection to provide a minimum reduction of 3.0 logs of *Giardia*, 2.0 logs of
5 *Cryptosporidium*, and 4.0 logs of virus.

6
7 Beginning on January 1, 2004, USEPA's Stage 1 Disinfectants/Disinfection Byproducts
8 (D/DBP) Rule required water systems serving less than 10,000 persons to begin monitoring
9 and reporting disinfection byproduct levels and residual disinfectant levels to the California
10 Department of Public Health (hereinafter "Department"). Water systems serving 10,000 or
11 more persons had to comply by January 1, 2002. The D/DBP Rule applies to any
12 community and non-transient non-community water system that treats their water with a
13 chemical disinfectant in any part of the treatment process or which provides water that
14 contains a chemical disinfectant. The D/DBP Rule set new maximum contaminant levels
15 (MCLs) in drinking water for total trihalomethanes (TTHM) at 0.080 mg/L (or 80 µg/L)
16 and for five haloacetic acids (HAA5) at 0.060 mg/L (or 60 µg/L). The D/DBP Rule was
17 adopted in California and became effective on June 17, 2006. Prior to this date, any non-
18 compliance issues were referred to USEPA for enforcement action.

19
20 Based on the population of the SA-16's water system, the SA-16 is required to collect one
21 sample per quarter taken at a point reflecting the maximum residence time in the
22 distribution system and analyzed for TTHM and HAA5. The SA-16 has been monitoring
23 for TTHM and HAA5 on a quarterly frequency since 2006. The TTHM and HAA5 MCLs
24 are based on the running annual average (RAA), computed quarterly. If the RAA covering
25 any consecutive four-quarter period exceeds the TTHM MCL or the HAA5 MCL, then the
26 system is in violation of the MCL. The RAA of the analytical results for HAA5 submitted
27 to the Department for the years 2009, 2010, 2011 and 2012. exceeded the HAA5 MCL (see

1 Attachment A). The RAA for HAA5 was 79.8 ug/L. Specifically, the SA-16 exceeded the
2 the HAA5 MCL as specified in Section 64533 (a), Title 22, California Code of Regulations
3 (CCR).

4
5 **CONCLUSIONS OF LAW**

6 Based on the above Findings, the Department has determined that the SA-16 has violated
7 provisions contained in the California Health and Safety Code (CHSC) and Title 22,
8 California Code of Regulations (CCR). These violations include, but are not limited to, the
9 following:

- 10
- 11 1. CHSC, Section 116555 (a)(1): Specifically, the SA-16 has failed to provide water
12 that complies with primary and secondary drinking water standards.
 - 13
 - 14 2. CHSC, Section 116555 (a)(3): Specifically, the SA-16 has failed to ensure that the
15 system is provided with a reliable and adequate supply of pure, wholesome,
16 healthful and potable water.
 - 17
 - 18 3. CCR, Section 64533: Specifically, the SA-16 has failed to comply with Section
19 64533 of Title 22 of the CCR, which established the MCL for HAA5s. The SA-16
20 does not at all times deliver water to its customers which contains less than 60 µg/L
21 of HAA5 based on a RAA, thereby failing to provide water to the public that
22 complies with all primary drinking water standards. Section 64535.2 specifies that
23 compliance is based on a RAA.
 - 24
 - 25
 - 26
 - 27

1
2 **ORDER**

3 To ensure that the water supplied by the SA-16 is at all times safe, wholesome, healthful,
4 and potable, and pursuant to Section 116555 of the CHSC, the SA-16 is ordered to take the
5 following actions:

- 6
- 7 1. a) Cease and Desist from failing to comply with CHSC Section 116555(a)(1),
8 (a)(3) and CCR Section 64533 by ensuring that the system is provided with a
9 reliable and adequate supply of pure, wholesome, healthful, and potable
10 water, which is in compliance with all primary drinking water standards.
- 11
- 12 b) The SA-16 shall provide quarterly public notification of its inability to the
13 meet the HAA5 MCL during any calendar quarter that the four-quarter
14 running annual average exceeds the MCL. Notification procedures and
15 format are provided in Attachment B. Proof of public notification shall be
16 provided to the Department following each quarterly notification by the 10th
17 day of the month following notification, using the form provided as
18 Attachment C.
- 19
- 20 c) The SA-16 shall continue to collect quarterly samples for TTHMs and
21 HAA5s from the distribution system in accordance with the approved DBP
22 monitoring plan. The analytical results shall be reported to the Department
23 no later than the 10th day following the month in which the samples were
24 collected.
- 25
- 26 d) By **September 30, 2013**, the SA-16 shall submit to the Department, for
27 review and approval, a plan for improvements to the water system to correct

1 the water quality problem (exceedance of the HAA5 MCLs) and eliminate
2 the delivery of water to consumers that does not meet the primary drinking
3 water standards. The SA-16 must also include a time schedule for
4 completion of various phases of the project such as design, construction and
5 startup. The plan must include an evaluation of the options that are outlined
6 in Attachment D.

7
8 e) The SA-16 must be in compliance with the primary drinking water standards
9 for total trihalomethanes and five haloacetic acids by June 1, 2015.

10
11 f) The SA-16 shall submit quarterly progress reports to the Department
12 beginning on **October 1, 2013**.

13
14 g) The SA-16 shall operate the existing water system to minimize formation of
15 total trihalomethanes and haloacetic acids.

16
17 2. The SA-16 shall submit a written response by **September 13, 2013**, indicating its
18 willingness to comply with the directives of this Order.

19
20 3. The Department reserves the right to make such modifications to this Order as it may
21 deem necessary to protect public health and safety. Such modifications may be
22 issued as amendments to this Order and shall be effective upon issuance. All
23 submittals required by this Order shall be addressed to:

24 Carl L. Carlucci, P.E., Supervising Sanitary Engineer
25 California Department of Public Health
26 Southern California Branch
27 Drinking Water Field Operations
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704

- 1 4. If the SA-16 is unable to perform the tasks specified in this Order for any reason,
2 whether within or beyond its control, and if the SA-16 notifies the Department in
3 writing no less than five days in advance of the due date, the Department may
4 extend the time for performance if the SA-16 demonstrates that it has used its best
5 efforts to comply with the schedule and other requirements of this Order.
6
- 7 5. If the SA-16 fails to perform any of the tasks specified in this Order by the time
8 described herein or by the time subsequently extended pursuant to Item 4 above, the
9 SA-16 shall be deemed to have not complied with the obligations of this Order and
10 may be subject to additional judicial action, including civil penalties specified in
11 CHSC Code, Sections 116725 and 116730.
12
- 13 6. The State of California shall not be liable for any injuries or damages to persons or
14 property resulting from acts of omissions by the SA-16, its employees, agents, or
15 contractors in carrying out activities pursuant to this Order, nor shall the State of
16 California be held as a party to any contract entered into by the SA-16 or its agents in
17 carrying out activities pursuant to this Order.
18

19 **PARTIES BOUND**

20 This Order shall apply to and be binding upon the SA-16, its officers, directors, agents,
21 employees, contractors, successors, and assignees.
22

23 **SEVERABILITY**

24 The requirements of this Order are severable, and the SA-16 shall comply with each and
25 every provision thereof notwithstanding the effectiveness of any provisions.
26
27

1 **CIVIL PENALTIES**

2 Failure to comply with any provision or compliance schedule of this Order may result in the
3 Department imposing additional enforcement actions (Citations) and administrative
4 penalties.

5
6
7
8 8-29-2013
9 Date


10 Carl L. Carlucci, P.E.
11 Supervising Sanitary Engineer
12 Central California Section
13 SOUTHERN CALIFORNIA BRANCH
14 DRINKING WATER FIELD OPERATIONS

13 Attachments:

- 14 Attachment A: Summary of Analytical TTHM & HAA5 results
- 15 Attachment B: Public Notification Method & Notice
- 16 Attachment C: Proof of Notification Form
- 17 Attachment D: Improvement Plan Options

18 CLC/mlm/2000729/03-11-13R-005-2000729-02.doc



SUMMARY OF TTHM AND HAA5 RESULTS (2009-2012)
SA-16 SUMNER HILL
SYSTEM NO. 2000729

| Year | Quarter | HAA5s Results, ug/l | HAA5 RAA, ug/l | TTHM Results, ug/l | TTHM RAA, ug/l | COMMENTS |
|------|---------|---------------------|----------------|--------------------|----------------|-------------------------------|
| 2009 | 1st | 150 | | 75 | | * EXCEEDS HAA5 MCL OF 60 ug/l |
| 2009 | 2nd | 110 | | 70 | | |
| 2009 | 3rd | 52 | | 62 | | |
| 2009 | 4th | 75 | | 51 | | |
| RAA | | | 96.8 * | | 64.5 | |
| 2010 | 1st | 140 | | 89 | | * EXCEEDS HAA5 MCL OF 60 ug/l |
| 2010 | 2nd | 77 | | 62 | | |
| 2010 | 3rd | 64 | | 72 | | |
| 2010 | 4th | 110 | | 60 | | |
| RAA | | | 97.8 * | | 70.8 | |
| 2011 | 1st | 130 | | 88 | | * EXCEEDS HAA5 MCL OF 60 ug/l |
| 2011 | 2nd | 51 | | 100 | | |
| 2011 | 3rd | 89 | | 80 | | |
| 2011 | 4th | 73 | | 56 | | |
| RAA | | | 85.8 * | | 80.5 | |
| 2012 | 1st | 52 | | 43 | | * EXCEEDS HAA5 MCL OF 60 ug/l |
| 2012 | 2nd | 60 | | 57 | | |
| 2012 | 3rd | 86 | | 83 | | |
| 2012 | 4th | 100 | | 69 | | |
| RAA | | | 74.5 * | | 63 | |

Instructions for Tier 2 HAA5 MCL Notice Template

Template Attached

Since exceeding the HAA5 maximum contaminant level (MCL) is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the Department for approval prior to distribution or posting, unless otherwise directed by the Department [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

| <i>If You Are a...</i> | <i>You Must Notify Consumers by...</i> | <i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i> |
|--|--|---|
| Community Water System [64463.4(c)(1)] | Mail or direct delivery ^(a) | Publication in a local newspaper |
| | | Posting in public places served by the water system or on the Internet ^(b) |
| | | Delivery to community organizations |
| Non-Community Water System [64463.4(c)(2)] | Posting in conspicuous locations throughout the area served by the water system ^(b) | Publication in a local newspaper or newsletter distributed to customers |
| | | Email message to employees or students |
| | | Posting on the Internet or intranet ^(b) |
| | | Direct delivery to each customer |

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

Multilingual Requirement

Spanish. Each public notice must contain information in Spanish regarding (1) the importance of the notice or (2) contain a telephone number or address where Spanish-

speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish.

Non-English Speaking Groups Other than Spanish-Speaking. For each group that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice must (1) contain information in the appropriate language(s) regarding the importance of the notice or (2) contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Corrective Action

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. Use one or more of the following actions, if appropriate, or develop your own:

- "We are working with [local/state agency] to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove arsenic or connecting to [system]'s water supply."
- "We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well."
- "We will increase the frequency at which we test the water for arsenic."
- "We have since taken samples at this location and had them tested. They show that we meet the standards."

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the Department within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the Department sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a "problem corrected" notice when the violation is resolved.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

**The SA-16 Sumner Hill Has Levels of Five Halo Acetic Acids
Above the Drinking Water Standard**

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Water sample results received for the years 2009, 2010, 2011 and 2012 showed five halo acetic acids at levels of 74 micrograms per liter as calculated as a running annual average. This is above the standard, or maximum contaminant level (MCL) of 60 micrograms per liter.

What should I do?

- **You do not need to use an alternative water supply (e.g., bottled water).**
- This is not an emergency. However, some people who use water containing five halo acetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action]. We anticipate resolving the problem within [estimated time frame].

For more information, please contact <insert name> at <insert address>, <insert phone number>.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Attachment B

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by the SA-16 Sumner Hill.

State Water System ID#: 2000729. Date distributed: _____.

Attachment C

PROOF OF NOTIFICATION

(Return with copy of the Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **SA-16 Sumner Hill** of the failure to meet the **HAA5 MCL** for the:

Circle one: **1st** **2nd** **3rd** **4th** quarter of _____ (year).

Notification was made on _____ by
(date)

hand delivered and/or mailed and/or posted written notice.
(circle all completed)

Signature of Water System Representative

Date

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due to the Dept. of Public Health within 10 days of notification to the public
HAA5 MCL Exceedance
System Number: 2000729



Do your part to help California save energy. To learn more about saving energy, visit the following web site:
<http://www.fypower.org>

Southern California Drinking Water Field Operations Branch
265 W. Bullard Avenue, Suite 101, Fresno, CA 93704
(559) 447-3300; Fax (559) 447-3304
Internet Address: <http://www.cdph.ca.gov/programs/Pages/DDWEM.aspx>

Improvement Plan Options

1. GAC treatment
2. Minimizing water age in the distribution system and maximizing reservoir turnover
3. Treatment optimization and increased DBP precursor removal through enhanced coagulation
4. Disinfection dosage and CT ratio optimization
5. Alternative disinfectant injection points
6. Alternative disinfectants
7. Any other options